

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

P&M SERVICES, INC., a Tennessee corporation, Plaintiff, v. ANDRE LAVALLEE, Defendant.) Case No. 04-40173-FDS (Docket No. 5270-0001)

DECLARATION OF COUNSEL

The undersigned states as follows:

1. If called as a witness in this matter, I could testify competently to the facts set forth below.
2. Andre Lavallee's conduct in the infringement of P&M's patents and the inducement of infringement of those patents, as well as the scope of his job duties at L&P Converters, are key issues in this case. These are factual issues.
3. Plaintiff P&M Services, Inc. cannot fully respond to Lavallee's Motion to Dismiss (which must be treated as a Motion for Summary Judgment under Fed. R. Civ. P. 56) without the opportunity to take discovery, including, but not limited to, a full deposition of Andre Lavallee.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Arthur F. Dionne
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Arthur F. Dionne (MA No. BBO125760)
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Dated: October 20, 2004

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